

Remarks

A. Pending Claims

Claims 4403-4428, and 5396-5400 are currently pending. Claims 4303 and 4418 have been amended.

B. Submission of Corrected Formal Drawings

In the Office Action mailed May 26, 2004, the Examiner requested a copy of the corrected formal drawings. Applicant resubmits the corrected formal drawings (nine sheets, including FIGS. 23a, 23b, 32, 56, 57, 67, 68, 72, 73, 76, 81a, and 97).

C. Request for Signed Information Disclosure Statement

Applicant notes that the Examiner has not acknowledged receipt of an Information Disclosure Statement filed for the above-captioned application. Applicant has attached a copy of the unacknowledged electronic Information Disclosure Statement. The statement includes U.S. Patent Documents reference numbers 1-14 (sent on and received by the PTO on May 2, 2003, as indicated on the enclosed acknowledgement receipt EFS ID 41318). Applicant respectfully requests a signed, initialed copy of the enclosed electronic Information Disclosure Statement.

D. Provisional Double Patenting Rejection

The Examiner provisionally rejected claims 4403-4428 and 5396-5400 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over: claims 4369-4402 of copending Application No. 09/841,240; claims 4429-4448 of copending Application No. 09/841,636; claims 4188-4284 of copending Application No. 09/841,310; and claims 4167-4183 and 4321-4342 of Application No. 09/841,289. Applicant respectfully defers response on this issue until notification that the claims are otherwise in condition for allowance.—

E. The Claims Are Not Anticipated By Lindquist Pursuant To 35 U.S.C. § 102(b), or in the Alternative, Are Not Obvious Over Lindquist Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 4403-4428 and 5396-5400 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, obvious under 35 U.S.C. 103(a) over U.S. Patent No. 3,892,270 to Lindquist (hereinafter "Lindquist"). Applicant respectfully disagrees with these rejections.

The standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

The Examiner states:

The Lindquist reference discloses a product produced from an underground formation comprising hydrocarbons resulting from the thermal cracking of the hydrocarbons contained in the underground formation. The product appears to be the same or similar to the claimed product in that the product of Lindquist is produced in a similar way as compared to the claimed product. See col. 1, lines 40-64.

In the event any difference can be shown for the product of claims 4403-4428, as opposed to the product taught by Lindquist, such differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of showing of unexpected results.

Applicant notes that the Examiner does not describe a reason for the rejection of claims

5396-5400. Claim 5396, added in response to the office action mailed June 13, 2003, describes a combination of features including: “wherein the hydrocarbons of the condensable mixture have a hydrogen to carbon atomic ratio of greater than about 1.7.” Amended claims 4303 and 4318 describe a combination of features including: “wherein the condensable mixture has a hydrogen to carbon atomic ratio of at least 1.7.” This feature is supported in Applicant’s Specification at least on page 18, lines 24-26.

In the condensate sample yield analysis shown in Table II, Lindquist indicates a calculated carbon/hydrogen ratio of 5.93 (which corresponds to a hydrogen to carbon atomic ratio of 1/5.93 or about 0.17). The higher hydrogen to carbon ration of the claimed mixtures may indicate that there are significantly less olefins and/or cross-linked molecules in the claimed mixtures. Therefore, the claimed mixtures may have better quality and may require less or no additional processing to convert into useful products. Applicant submits that Lindquist does not appear to teach or suggest at least the above-quoted features of claims 4303, 4318, and 5396. Applicant respectfully requests removal of the rejection of claims 4303, 4318, 5396, and the claims dependent thereon.

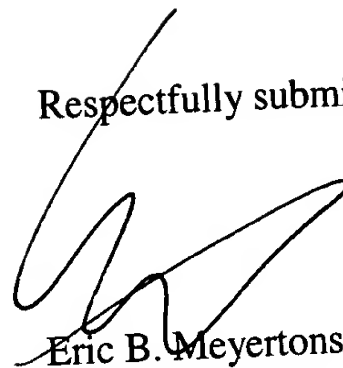
F. Additional Comments

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

Applicant believes no fees are due with the filing of this document. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-03600/EBM.

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Respectfully submitted,



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